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**FISCAL IMPACT STATEMENT**

**LS 6961**

**BILL NUMBER:** HB 1347

**NOTE PREPARED:** Jan 27, 2014

**BILL AMENDED:** Jan 27, 2014

**SUBJECT:** Circuit Court Clerk Administrative Matters.

**FIRST AUTHOR:** Rep. Mayfield

**FIRST SPONSOR:**

**BILL STATUS:** CR Adopted - 1<sup>st</sup> House

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** (Amended) *Secretary of the County Commission:* The bill requires that the clerk of the circuit court (clerk) or the county recorder (recorder) must be the secretary of the county commission of public records, as determined by:

- (1) mutual agreement of the clerk and the recorder; or
- (2) if a mutual agreement cannot be reached, an affirmative vote of the majority of the members of the commission.

*Electronic Form:* The bill allows the clerk to keep the *lis pendens* record, the execution docket, and the register of witness fees and court fees in electronic form if all information is available to the public to inspect or copy in the electronic form.

*Duties Eliminated:* It eliminates:

- (1) the requirement that the clerk attend court proceedings; and
- (2) the per diem paid the clerk or a deputy for attending court.

*Administrative Fee:* The bill allows the clerk to retain an administrative fee of up to \$3 from any excess amount of fine, penalty, fee, or bail collected and refunded by the clerk.

*Mailings:* The bill requires the cost of:

- (1) an initial mailing of a document by certified or registered mail to be paid out of court costs and fees; and
- (2) any additional certified or registered mailings to be paid by the person requesting the additional mailings.

**Effective Date:** July 1, 2014.

**Explanation of State Expenditures:**

**Explanation of State Revenues:**

**Summary of NET Local Impact:** The bill potentially reduces some of the workload of the clerk of the circuit court and expenditures related to postage. To the extent that the county recorder assumes some of the duties of secretary of the county commission of public records, the recorder's workload will increase.

The bill also eliminates a payment to the clerk for attending court in certain circumstances and increases an administrative fee. The net fiscal impact on the clerk of the circuit court is indeterminate because revenues and expenditures data for all courts and pertinent fees and payments are not available. Overall, the workload reduction and increased administrative fee is expected to outweigh the payment reduction and would result in reduced expenditures and increased revenue for clerks of the circuit court.

**Explanation of Local Expenditures:** *Summary-* The bill provides potential workload and expenditure reductions for the clerk of the circuit court, and a corresponding workload increase for the county recorder to, in some cases, serve as secretary of the public records commission.

**Additional Information-**

(Revised) *Workload Reductions:* Under the bill, the clerk and county recorder would decide who will be the secretary of the public records commission, or the commission will decide. If the county recorder serves as secretary, workload would be reduced for the clerk.

Additionally, rather than delivering civil orders and decrees along with recording fees to the county recorder, the recorder will record the certified copy and collect any applicable recording fee. The cost of delivering judgements is unknown.

The bill would allow the clerk to keep records in electronic form, instead of maintaining a book or hard copy record. Any workload reduction will depend on the format chosen by the clerk for keeping records and the relative cost of the two systems. The records that may be maintained in electronic form include *lis pendens* records, the execution docket, and a register of witness and other court fees.

The clerk would not have to attend court as specified in statute for record-keeping duties and for cases involving private judges. Also, the clerk would not have to attend court for the following specific courts.

St. Joseph Probate Court  
Allen Superior Court  
Bartholomew Circuit and Superior Court  
Cass Circuit and Superior Court  
Dubois Circuit and Superior Court  
Tippecanoe Circuit and Superior Court No. 2

*Expenditure Reductions:* The bill would require the clerk to pay for the initial mailing by certified or

registered mail of documents filed with the court from the court costs and fees. There could be an expenditure reduction from any additional mailings that would now be paid by a person requesting the documents. There are not sufficient data to indicate how much postage is currently spent on initial mailings or additional requests. [In CY 2012, 54 county circuit courts reported total postage expenditures of \$266,800, an average of \$4,940 per court reporting. There was also a total \$1,400 in shipping costs reported by three counties.]

**Explanation of Local Revenues:** Under the bill, the circuit court clerk could retain a \$3 circuit court administrative fee from the excess payment of bail, fines, civil penalties, court fees, costs or user fees, or from the preparation, duplication, or transmission of a document. There is no information available to determine how many excess payments may be received by the circuit courts.

**Additional Information-** With 115 circuit courts reporting in 2012, there were 255,117 cases disposed. This is an average of about 2,218 cases disposed per court.

**State Agencies Affected:**

**Local Agencies Affected:** Circuit courts, county recorders.

**Information Sources:** *2012 Trial Court Statistics*, State Court Administrator's Office; Gateway for Local Government.

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